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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CUSTOMS APPEAL NO.92 OF 2007

The Commissioner of Customs (General) ..Appellant.

V/s.

M/s.S.A.Dalal & Co. ..Respondent.

Mr.Y.S.Bhate with Mrs.N.V.Masurkar with H.P.Chaturvedi for appellant.

Mr.V.M.Advani with A.M.Sachwani for respondent.

CORAM : F.I.REBELLO AND
J.P.DEVADHAR, JJ.

DATED : 1ST NOVEMBER, 2007.

P.C. :-

. In the instant case, the licence of the respondent was suspended. The respondent preferred an appeal before the CESTAT who by order dated 3/5/2907 set aside the order of suspension. The revenue has preferred an appeal against the said order.

2. From the Regulation 20(2) of the Customs House Agents Licensing Regulations, 2004, it is found the Commissioner of Customs in appropriate cases where immediate action is necessary to suspend the licence can revoke the licence. In the instant case, the order of suspension was issued in May, 2007. In other words,

it cannot be said that this is a case where it falls within Regulation 20(2). The order of suspension is to be used in emergent situation where no further time can be wasted. This was not such a case. Considering the above, the order of the Tribunal cannot be faulted. It would be open for the appellant to take any other steps as may be permitted. Hence appeal is dismissed.

(F.I.REBELLO, J.)

(J.P.DEVADHAR, J.)